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APPLICATION NO.	FILING DATE	FIRST NAMED INVENTOR	ATTORNEY DOCKET NO.	CONFIRMATION NO.
09/925,795	08/09/2001	Michael R. Ekholm	092259-9016-00	4218

7590 06/19/2003  
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13  
EXAMINER

UPTON, CHRISTOPHER

ART UNIT

PAPER NUMBER

1724

DATE MAILED: 06/19/2003

Please find below and/or attached an Office communication concerning this application or proceeding.

# Office Action Summary

Application No.

925795

Applicant(s)

Eklholm et al

Examiner

Upton

Group Art Unit

1724

— The MAILING DATE of this communication appears on the cover sheet beneath the correspondence address —

## Period for Reply

A SHORTENED STATUTORY PERIOD FOR REPLY IS SET TO EXPIRE 3 MONTH(S) FROM THE MAILING DATE OF THIS COMMUNICATION.

- Extensions of time may be available under the provisions of 37 CFR 1.136(a). In no event, however, may a reply be timely filed after SIX (6) MONTHS from the mailing date of this communication.
- If the period for reply specified above is less than thirty (30) days, a reply within the statutory minimum of thirty (30) days will be considered timely.
- If NO period for reply is specified above, such period shall, by default, expire SIX (6) MONTHS from the mailing date of this communication.
- Failure to reply within the set or extended period for reply will, by statute, cause the application to become ABANDONED (35 U.S.C. § 133).
- Any reply received by the Office later than three months after the mailing date of this communication, even if timely, may reduce any earned patent term adjustment. See 37 CFR 1.704(b).

## Status

☒ Responsive to communication(s) filed on 5/16/03

☒ This action is **FINAL**.

☐ Since this application is in condition for allowance except for formal matters, **prosecution as to the merits is closed** in accordance with the practice under *Ex parte Quayle*, 1935 C.D. 11; 453 O.G. 213.

## Disposition of Claims

☒ Claim(s) 1-28, 36-42 and 44-46 is/are pending in the application.

Of the above claim(s) 12-14, 20 and 21 is/are withdrawn from consideration.

☐ Claim(s) \_\_\_\_\_ is/are allowed.

☒ Claim(s) 1, 6-10, 15, 16, 18, 22-28, 36, 39-42 and 45 is/are rejected.

☒ Claim(s) 2-5, 11, 17, 19, 37, 38, 44 and 46 is/are objected to.

☐ Claim(s) \_\_\_\_\_ are subject to restriction or election requirement

## Application Papers

☒ The proposed drawing correction, filed on 5/16/03 is ☐ approved ☐ disapproved.

☐ The drawing(s) filed on \_\_\_\_\_ is/are objected to by the Examiner

☐ The specification is objected to by the Examiner.

☐ The oath or declaration is objected to by the Examiner.

## Priority under 35 U.S.C. § 119 (a)-(d)

☐ Acknowledgement is made of a claim for foreign priority under 35 U.S.C. § 119 (a)-(d).

☐ All ☐ Some\* ☐ None of the:

☐ Certified copies of the priority documents have been received.

☐ Certified copies of the priority documents have been received in Application No. \_\_\_\_\_

☐ Copies of the certified copies of the priority documents have been received in this national stage application from the International Bureau (PCT Rule 17.2(a))

\*Certified copies not received: \_\_\_\_\_

## Attachment(s)

☐ Information Disclosure Statement(s), PTO-1449, Paper No(s). \_\_\_\_\_

☐ Interview Summary, PTO-413

☐ Notice of Reference(s) Cited, PTO-892

☐ Notice of Informal Patent Application, PTO-152

☐ Notice of Draftsperson's Patent Drawing Review, PTO-948

☐ Other \_\_\_\_\_

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1. The disclosure is objected to because of the following informalities:

There is no brief description of new figure number 8.

Appropriate correction is required.

2. Claims 22-28 are rejected under 35 U.S.C. 112, second paragraph, as being indefinite for failing to particularly point out and distinctly claim the subject matter which applicant regards as the invention.

Claim 22 as amended, and claim 24 are vague and indefinite, since claim 22 recites "round" and "secondary" inlet pipes, then the claims recite "wherein the inlet pipe..." without distinguishing which inlet pipe is referred to.

3. The following is a quotation of the appropriate paragraphs of 35 U.S.C. 102 that form the basis for the rejections under this section made in this Office action:

A person shall be entitled to a patent unless --

(b) the invention was patented or described in a printed publication in this or a foreign country or in public use or on sale in this country, more than one year prior to the date of application for patent in the United States.

The following is a quotation of 35 U.S.C. 103(a) which forms the basis for all obviousness rejections set forth in this Office action:

(a) A patent may not be obtained though the invention is not identically disclosed or described as set forth in section 102 of this title, if the differences between the subject matter sought to be patented and the prior art are such that the subject matter as a whole would have been obvious at the time the invention was made to a person having ordinary skill in the art to which said subject matter pertains. Patentability shall not be negated by the manner in which the invention was made.

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4. Claims 1, 8-10, 15, 18, 36, 41, 42 and 45 are rejected under 35 U.S.C. 102(b) as being anticipated by Maxson.

Figure 5 of Maxson discloses a cylindrical screen having a primary flow modifier (B4) forming an annular space with plural secondary flow modifiers (B1-3) in the annular space, with the primary flow modifier extending further into the interior than the secondary flow modifier, as claimed.

5. Claims 1, 6, 15, 16, 36 and 39 are rejected under 35 U.S.C. 102(b) as being anticipated by McFarlin ('636 and '173).

The '636 and '173 McFarlin disclose cylindrical screens having primary flow modifiers (the necks 10 and 6, respectively), forming annular spaces, with secondary flow modifiers (the baffles 6 and 10, respectively) in the annular spaces extending further into the interior than the primary, as claimed.

6. Claims 7 and 40 are rejected under 35 U.S.C. 103(a) as being unpatentable over McFarlin as applied to claims 6 and 39 above, and further in view of Maxson.

Claims 7 and 40 differ from the McFarlin patents in recitation of plural secondary flow modifiers extending different distances into the interior. It is known to use a plurality of baffles extending into the interior space of a screen, as shown in figure 5 of Maxson. It would therefore have been obvious for one of ordinary skill in the art to use plural baffles in the McFarlin patents, to improve flow distribution.

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7. Claims 2, 3, 17, 19, 37 and 44 are objected to as being dependent upon a rejected base claim, but would be allowable if rewritten in independent form including all of the limitations of the base claim and any intervening claims.

The recitation of a cylindrical inlet screen having a primary flow modifier extending into the interior forming an angular space and a secondary flow modifier in the space at an angle to the primary longitudinal axis patentably distinguishes over the prior art of record.

8. Claims 4, 5, 11, 38 and 46 are objected to as being dependent upon a rejected base claim, but would be allowable if rewritten in independent form including all of the limitations of the base claim and any intervening claims.

Claims 22-28 would be allowable if rewritten or amended to overcome the rejection(s) under 35 U.S.C. 112 set forth in this Office action.

The recitation a cylindrical inlet screen having a primary flow modifier extending into the interior forming an angular space and a secondary flow modifier in the space, where the flow modifiers are eccentric to the screen axis patentably distinguishes over the prior art of record.

9. Applicant's arguments filed on May 16, 2003 have been fully considered but they are not persuasive.

With respect to Maxson, applicant argues that Maxson does not disclose a secondary flow modifier pipe in the annular space between the primary flow

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modifier pipe and the screen, as the secondary flow modifiers of Maxson have a smaller diameter, and are therefore positioned inside the primary flow modifier of Maxson. It is submitted that the claims do not recite a structural differentiation between a "primary" and "secondary" flow modifier pipe, and that therefore, the inner pipe of Maxson may be interpreted as being the "primary" flow modifier, with the outer pipes being the "secondary" pipes, which do not extend as far into the screen as the central "primary" pipe, as further recited in claims 8, 18 and 41.

With respect to McFarlin, applicant argues that the patents do not disclose a secondary flow modifier pipe positioned in the annular space between a primary flow modifier pipe and a cylindrical screen, rather, disclosing screens having a central neck for coupling the device to a pump surrounded by a baffle. It is submitted that the necks may be regarded as being "primary" flow modifiers, as they extend into the screen interior, as recited by the claims, and the baffles are "secondary" flow modifiers which extend further into the screen, as recited in claims 6, 16 and 39.

10. Applicant's amendment necessitated the new ground(s) of rejection presented in this Office action. Accordingly, **THIS ACTION IS MADE FINAL**. See MPEP § 706.07(a). Applicant is reminded of the extension of time policy as set forth in 37 CFR 1.136(a).

A shortened statutory period for response to this final action is set to expire **THREE MONTHS** from the date of this action. In the event a first response is filed

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within TWO MONTHS of the mailing date of this final action and the advisory action is not mailed until after the end of the THREE-MONTH shortened statutory period, then the shortened statutory period will expire on the date the advisory action is mailed, and any extension fee pursuant to 37 CFR 1.136(a) will be calculated from the mailing date of the advisory action. In no event will the statutory period for response expire later than SIX MONTHS from the date of this final action.

11. Any inquiry concerning this communication should be directed to Christopher Upton at telephone number (703) 308-3741.

A handwritten signature in black ink, appearing to be 'CU' or similar initials, written in a cursive style.

**CHRISTOPHER UPTON  
PRIMARY EXAMINER**